IN THE HIGH COURT OF JUDICATURE AT BOBBY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.704 OF 2004

Abdul Sayad Mohammad Kasik @ Kadri ..Petitioner.

V/s.

The Deputy Inspector of General of Prison, Western Rigion Pune & Ors. ..Respondents

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Shri Gajendra Jadhav for Petitioner.
Shri V.B.Konde- Deshmukh, APP for Respondents.

CORAM : A.M.KHANWILKAR, J.
DATED : 12.10.2004

PC :-

. Heard the learned counsel for the parties. Perused the record.

. The order which is impugned in this petition is dated 10th March, 2004. Learned APP submits that it is open to the petitioner to apply afresh to the concerned authority for being released on furlough leave, as more than six months period has already elapsed. In the circumstances, without going into merits of the contentions raised in this petition, appropriate course to my mind, is to direct the petitioner to make fresh application before the concerned authority, which application shall be

decided by the authority on its own merits in accordance with the law, uninfluenced by the reasons recorded in the order which is impugned before this court, dated 10th March, 2004. In other words, the authority shall decide the fresh applciation on the basis of the materials made available to it, after making of an application. If such application is preferred, the authority shall decide the same as expeditiously as possible and not later than six months from the date of its receipt.

. Application is disposed of on the above terms.

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